

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JAMES A. BIGELOW,

Plaintiff,

v.

NORTHWEST TRUSTEE SERVICES,  
INC., et al.

Defendants.

CASE NO. C14-5798 BHS

ORDER SETTING BRIEFING  
SCHEDULE AND RENOTING  
DEFENDANTS' MOTION FOR  
RECONSIDERATION

This matter comes before the Court on Defendants Green Tree Servicing, LLC ("Green Tree"), Mortgage Electronic Registration Systems, Inc. ("MERS"), Renee Parker, and Wright, Finlay & Zak, LLP's ("Defendants") motion for reconsideration (Dkt. 93). The Court has considered the pleading filed in support of the motion and the remainder of the file and hereby renotes the motion for the reasons stated herein.

**I. PROCEDURAL HISTORY**

On February 23, 2015, Plaintiff James Bigelow ("Bigelow") filed an amended complaint against Defendants. Dkt. 44. On March 13, 2015, Renee Parker and Wright,

1 Finlay & Zak, LLP (“Attorney Defendants”) moved to strike Bigelow’s complaint in its  
2 entirety under Washington’s Anti-SLAPP statute, RCW 4.24.525. Dkt. 60. On June 1,  
3 2015, the Court denied the motion. Dkt. 92. On June 15, 2015, Attorney Defendants  
4 filed a motion for reconsideration. Dkt. 93.

## 5 **II. DISCUSSION**

6 In this case, Attorney Defendants “respectfully request this Court to reconsider its  
7 decision based on the additional information” provided in the motion. Dkt. 93 at 4. The  
8 Court denied the Attorney Defendants’ motion because they failed to show that merely  
9 representing a client is protected activity. Dkt. 92 at 6. For the first time in their motion  
10 for reconsideration, the Attorney Defendants cite RCW 4.24.525(2)(a), which essentially  
11 states that representing a client is a protected activity. In light of this law, as well as the  
12 Attorney Defendants’ position on the other elements of the motion to strike, the Court  
13 will set a briefing schedule pursuant to the local rules. Local Rules, W.D. Wash. LCR  
14 7(h)(3).

15 Bigelow may file a response to both the motion for reconsideration and the merits  
16 of the Attorney Defendants’ original motion. The Court is particularly interested in  
17 whether Bigelow can prove the merits of his remaining Consumer Protection Act claims  
18 against the Attorney Defendants through clear and convincing evidence. Bigelow’s  
19 response, if any, shall be filed no later than June 30, 2015.

20 The Attorney Defendants may file a reply no later than July 3, 2015. The Clerk  
21 shall renote the motion for reconsideration on the Court’s July 3, 2015, calendar.  
22

**III. ORDER**

Therefore, it is hereby **ORDERED** that the Attorney Defendants' motion for reconsideration is renoted and a briefing schedule is established as set forth herein.

Dated this 16th day of June, 2015.



BENJAMIN H. SETTLE  
United States District Judge